

REMARKS

This Amendment is submitted in response to the Office Action dated August 25, 2004, having a shortened statutory period set to expire November 25, 2004. In the present Amendment, Claims 1-2, 9 and 13-14 are amended and Claim 12 is cancelled. Claims 1-11 and 13-15 are now pending.

OBJECTION TO THE TITLE

In Paragraph 1 of the present office action, the title is objected to for being non-descriptive. The title is "Method and System for Providing and Viewing Performance Analysis of Resource Groups." Claim 1 is directed to a "method for providing performance analysis" that includes "graphically displaying performance data." Applicants believe that the title is descriptive. However, Applicants are nonetheless willing to amend the title if the Examiner would be willing to provide suggested language. Otherwise, Applicants respectfully request that this objection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 3, 5-8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hoyer, et al.* (U.S. Patent No. 6,339,750 - "*Hoyer*") in view of *McKnight et al.* (U.S. Patent No. 6,557,035 - "*McKnight*"). Applicants respectfully traverse these rejections.

As evidenced by the attached Assignment Document (see Reel 012265, Frame 0523), the present patent application, which was filed on April 23, 2001, is assigned to International Business Machines (IBM) of Armonk, New York. *McKnight*, which was issued on April 29, 2003 and thus cited as 35 U.S.C. § 102(e) art, is similarly assigned to IBM, as evidenced on its face. Per 35 U.S.C. § 103(c) and Section 804.03 of the *MPEP*, for patent applications filed after November 29, 1999, subject matter which was prior art under 35 U.S.C. § 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention were commonly owned at the time the claimed invention was made.

Thus, Applicants respectfully request that these rejections be withdrawn. The claimed feature of Claim 12 has herein been incorporated into all independent claims (Claims 1, 13 and 14). Therefore, all Claims, including those depending on Claims 1, 13 and 14, should now be allowed.

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CONCLUSION

Applicants now respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 50-0563**.

Respectfully submitted,



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